

“Improving independence, transparency, efficiency and effectiveness”

Martin Jones, CEO, the Parole Board for England & Wales

At Parole: Law Policy and Practice in 2018 at the University of Cambridge

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Good afternoon. I am delighted, and somewhat daunted, to be here amongst such august company.

I have been CEO of the Board since 2015. I have spent the last 25 years working as a policy maker and practitioner in the justice system.

I am proud to lead the Board. We make critical; life changing decisions. I think on any objective assessment we do a good job – but we also need to be honest in identifying areas where we need to improve.

Context

The aim of the Parole Board is to protect the public by risk assessing prisoners to decide whether they can be safely released back into the community.

This is of course a balancing act. All of the people considered by the Parole Board have committed a serious offence – sometimes the most serious – or are assessed as being a risk to the public. None of the people we consider are risk free. How can they be? Nobody is risk free. Our decisions are judgements based on evidence; as to whether that risk can be managed in the community. It is important that we approach each case with an open mind and base our decisions on evidence.

We know that long term incarceration has a significant impact on propensity to commit further offences. We know that peak offending is in the 18-25 age bracket. We know that people can commit serious crimes and go on to be worthwhile members of society. But sadly we do not have a crystal ball. Our system is not infallible – because we are making decisions on people...

Where we are today

The Parole Board of England and Wales has been celebrating its 50th anniversary.

Our status, our role and the way we have worked has changed fundamentally over that time period. Most people would agree I think that the changes made have resulted in a better, fairer system.

We need to ensure that any further changes stand up to the same scrutiny.

We are now an independent court like body. I consider the Board to be to all intents and purposes a judicial body. We direct release. We hold thousands of hearings. We provide detailed reasons.

Our independence is precious to us – and I have always been clear that I will defend that independence – but we also need to ensure we have the confidence of the public.

Many people are confused by the term parole. In 1967 parole was used as a mechanism for early release. Most determinate prisoners are now released automatically.

But we still deal with a significant caseload - 25,000 decisions; over 8,000 oral hearings. over a quarter of the prison population are entitled to a parole review at some point. Lifers – IPPs – Extended Determinate Sentence; serious sex offenders and terrorists and recallees.

Fairness vs timeliness

The key challenge when I joined the Board in 2015 was the backlog. Following the Osborn judgment the Board could not keep pace with demand for oral hearings. The backlog peaked at 3,163 cases. Prisoners were routinely waiting 6-9 months longer than was necessary for a hearing. Anxiety and uncertainty for prisoners; their families and victims.

We have now brought the backlog down by 60%. As made clear by the Court in Osborn oral hearings are crucial to fairness and lead to better quality decisions in my view – because they allow deeper insight. But an unnecessarily late oral hearing isn't fair or efficient.

The Board is now holding more hearings than ever before - five times the number held 2005-06. Twenty years ago oral hearings were virtually unheard of.

Are we effective?

Some would say that the acid test of a parole system is whether our judgements are correct. Do we release people who go on to commit further offences?

If you look at SFO rates – our system is as good as any system in the World. But we cannot be complacent. Whilst the number of SFOs are tiny the impact on individual victims is catastrophic. The impact on public confidence is huge.

I would add that the impact on members is similar. Imagine how you would feel if you have spent hours poring over a decision and it goes horribly wrong. We study these "failures" rigorously. Are these lessons to be learnt?

But of course, SFOs are not the whole story. There are undoubtedly near misses; where a timely recall decision prevents an SFO.

But looking at the contrary – are there people who could be safely managed in the community still in prison? What is the impact of parole decisions on the mental health of prisoners?

These also need to be areas of focus. You cannot look at a single measure to measure success. I want the Board to be fully transparent about its performance. We have nothing to hide – including being open about areas where we need to improve.

Looking forward we want to be more transparent than ever before; about our decision making; our performance and areas where we need to improve.

How do you measure how the Board is doing?

So how are we performing. Well:

- The backlog is down 60%
- Damages payments down by 57%.
- 100% of our members are working digitally.
- 100 new members have joined us.
- Later this Summer I expect all hearings to be digitally recorded.
- Over 1,000 IPPs released last year. Rates of progression have improved whilst SFOs remain a fraction of 1%.

But the public, and victims, and prisoners, do not judge an organisation based on statistics alone.

Lessons from the Worboys' Case

The Worboys case has seen the parole system under unprecedented scrutiny and sustained criticism.

I will not dwell on the detail – others have already done so – the case is now effectively sub-judice.

I do however want to set out my views – whilst choosing my words carefully:

- I have attended dozens of parole hearings and read hundreds of decisions. My assessment is that we are not cavalier with public safety. We take our decisions seriously.

- The Board is heavily reliant on the quality of information provided to it. You cannot expect the Board to make up for failures elsewhere in the criminal justice system – or elsewhere in the penal system.
- Although sexual offences are horrifying. The proven reoffending rate of those offenders is astonishingly small. So I do not therefore think it is unreasonable for a parole panel to reach the conclusion that a very serious sex offender is capable of being managed successfully in the community. We are asked to make similar decisions in hundreds of cases each month. And I know we will be making more decisions in future year according to the latest published statistics 19% of the sentenced prison population are serving a sentence for sex offences.

Rebuilding confidence

However, we do need to learn lessons from the Worboys case.

- We need to be honest. Worboys has damaged public confidence in parole. We need to repair that damage.
- The courts have signalled that we should in some cases do more to take account of wider unproven offending. We will do so – but we will do so in a way that seeks to ensure fairness to the individual.
- We should not be afraid of asking ourselves; and the prisoner; difficult – challenging questions – particularly when we are considering releasing a serious offender.
- Nor should we be afraid of asking the authorities to do better when the release of a prisoner who is no longer a risk is delayed because of problems with accommodation and social care.
- Decisions are based on evidence. If we do not get good evidence in a timely fashion that is unacceptable. We must hold people to account.
- We do need to do more to improve public – and parliamentary awareness - of parole – we should not duck this – even if the messages are sometimes difficult.
- We should not be afraid of explaining our reasons. We have received c 500 requests from victims. I welcome that.
- Transparency now means there is unprecedented internal and external scrutiny of our decisions. I am certain it will help improve decision making and understanding. But transparency of our decisions should just be the start I want us to transparent about all areas of our performance. Including areas where we need to improve. For example: how many hearings are deferred? [too many] How many people from a BAME background are on the Board [too few]?
- We must never forget that victims can be deeply affected by our decisions. I regularly meet with victims and I am clear that we should always listen to those views carefully and sensitively. But our focus at the Board must continue to be an objective assessment of risk – not emotion.

- Whilst we have welcomed the new reconsideration mechanism – we have responded to the consultation making it very clear that the mechanism needs to be workable.
 - Reconsideration needs to be timely and focused on risk.
 - We do not want to create a system that inevitably doubles the disappointment for most victims.
 - The system needs to be properly funded.
 - We need to ensure that we do not clog up the system with multiple appeals which unfairly and unnecessarily delays the release of prisoners and distress and uncertainty for victims.

To conclude we should never be afraid to make difficult and sometimes unpopular decisions. We consider some of the most difficult and emotive cases.

But that is why the Board is independent – decisions must be made on the basis of careful objective assessment of the evidence to judge whether the prisoner remains a significant risk to the public - not public opinion and emotion.

Thank you.